

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-30070-MAP

PETER K. FREI,)
Plaintiff)
)
vs.)
)
TOWN OF HOLLAND, BOARD OF HEALTH,)
HOLLAND CONSERVATION COMMISSION,)
HOLLAND POLICE DEPARTMENT,)
PLANNING BOARD, ZONING BOARD OF)
APPEALS, Ronald Benoit, Debra Benveniste,)
Sally Blais, Richard Blease, Harold E. Congdon,)
Robert Dymon, Robert Ford, Kevin Gleason,)
Benjamin Haller, William Hardy, Earl Johnson,)
Helen Kreiger, Marilyn LaPlante, Joanne May,)
Vincent J. McCaughey, Dora Metrelis,)
Arthur A. Quinn, Brian Roche, John Stevens,)
Defendants)

**DEFENDANTS' MOTION TO STAY PROCEEDINGS UNTIL THIS COURT RULES
ON THE DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS**

NOW COME the defendants and hereby move this Court to stay all proceedings in this matter until such time as this Court has ruled on the defendants' Motion for Judgment on the Pleadings. As reasons for this Motion, the defendants state that they have filed a Motion for Judgment on the Pleadings seeking to have each Count in the complaint dismissed pursuant to Mass. R. Civ. P. 12 (c). The plaintiff's opposition is due on February 25, 2005. Inasmuch as this is a 95 page complaint with over fifty separate counts, the defendants move to have the scheduling dates provided by the Court in its Case Management Conference stayed and revised after a decision is rendered on the Motion for Judgment on the Pleadings. The defendants state further that such a stay would eliminate unnecessary and costly discovery and also allow the

parties to properly focus on only those claims that still survive in the event some of the arguments in the Defendants' Motion are successful.

THE DEFENDANTS
TOWN OF HOLLAND, ET AL.

By /s/Nancy Frankel Pelletier
Nancy Frankel Pelletier, Esq., and

By /s/Dorothy Varon
Dorothy Varon, Esq., both of
Robinson Donovan, P.C.
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NFP BBO No.: 544402
DV BBO No.: 629609

CERTIFICATE OF CONSULTATION
Pursuant to Local Rule 7.1A(2)

I, Dorothy Varon, Esq., hereby certify that on February 22 and 23, 2005, I conversed with Peter K. Frei, *Pro Se*, by telephone in a good faith effort to resolve or narrow the issue herein.

/s/Dorothy Varon
Dorothy Varon, Esq.

CERTIFICATE OF SERVICE

I, Dorothy Varon, Esq., hereby certify that on this 24th day of February, 2005, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to Peter K. Frei, *Pro Se*, P.O. Box 500, Brimfield, MA 01010-0500.

Subscribed under the penalties of perjury.

/s/Dorothy Varon
Dorothy Varon, Esq.